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**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

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(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

I hereby certify that this correspondence is being sent by facsimile transmission to:

Examiner P. Ponnaluri at Fax No.: 703-305-3014

On May 8, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Paula J. HurlerAttorney Docket No.  
of Prior Application

018547004131

First Named Inventor

Cronin, M.

Examiner Name

P. Ponnaluri

Group Art Unit

1627

OFFICIAL

This is a request for a ☐ continuation or ☐ divisional application under 37 CFR 1.53(d).(continued prosecution application (CPA)) of prior application number 09/510,378filed on February 22, 2000 entitled ARRAYS OF NUCLEIC ACID PROBES ON BIOLOGICAL CHIPS.**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application: \_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

09510378

00000002 201430

710.00 CH  
252.00 CH  
240.00 CH

MAY. 8. 2001 7:50AM

TTC PALO ALTO

NO. 0603 P. 3

PTO/SB/29 (10-00)

Approved for through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (i))		34-20* =	14	x \$18=	\$252
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		6-3** =	3	x \$80=	\$240
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x =	
				BASIC FEE (37 CFR 1.16)	\$710
				Total of above Calculations =	\$1,202.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	
				TOTAL =	\$1,202.00

\* Reissue claims in excess of 20 and over original patent.  
\*\* Reissue independent claims over original patent.

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 20-1430:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) enclosed.
11. ☐ New Attorney Docket Number, if desired  
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_\_

**NOTE:** If an applicant's correspondence address will carry over to the next application, the applicant must provide a new correspondence address in this section.

**14. NEW CORRESPONDENCE ADDRESS**

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(Insert Customer No. or Attach bar code label here) or ☐ New correspondence address below

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### 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Joe Liebeschuetz
Signature	<i>J. Liebeschuetz</i>
Registration No. (Attorney/Agent)	37,505
Date	May 7, 2001

[Page 2 of 2]

PA 3144194 v1

Atty Docket No. 018547004131

**FAX RECEIVED**

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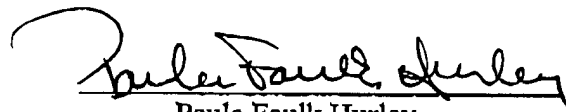
MAY U 8 2001

ATTENTION: Examiner P. Ponnaluri  
Group Art Unit 1627**GROUP 1600****OFFICIAL****OFFICIAL COMMUNICATION****FOR THE PERSONAL ATTENTION OF****EXAMINER P. PONNALURI****CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents, in re Application of Cronin et al., Serial No. 09/510,378, filed February 22, 2000 for ARRAYS OF NUCLEIC ACID PROBES ON BIOLOGICAL CHIPS is being facsimile transmitted to the Patent and Trademark Office on the date shown below: **CPA Request Transmittal and duplicate copy (4 pp.); Receipt for Facsimile Transmitted CPA (1 p.), and Preliminary Amendment (11 pp.).**

Number of pages being transmitted, including this page: 17

Dated: May 8, 2001

  
Paula Faulk Hurley

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
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PA 3144202 v1